

**UNITED STATES DISTRICT COURT**  
**SOUTHERN DISTRICT OF GEORGIA**  
**SAVANNAH DIVISION**

UNITED STATES OF AMERICA	)	
	)	
v.	)	
	)	Case No. CR414-005
LILLIE MAE EUBANK	)	

**REPORT AND RECOMMENDATION**

On February 24, 2015, the Court granted defendant Eubank's request for a forensic psychological examination, made in accordance with 18 U.S.C. § 4241(a), to assess her mental competency for trial. Doc. 271. Pursuant to the Court's order, Eubank underwent a comprehensive psychological evaluation at the Carswell Federal Medical Center in Fort Worth, Texas. Her evaluators found that she was feigning mental health symptoms and reached a primary diagnosis of "malingering." Doc. 318 at 10. They determined that she is competent to stand trial. *Id.* at 12.

Both defendant and the government have stipulated to the report's findings. Doc. 334. The Court nonetheless scheduled the matter for a hearing in order to ensure that defendant understood the nature and

consequences of her stipulation. While under oath, defendant confirmed that she had been well treated during her month-long stay at the Carswell Federal Medical Center and had not required any emergency medical care while at that facility. She further confirmed that her attorney had consulted with her about the results of the forensic evaluation and, specifically, the psychologist's finding that she was competent to stand trial. The Court informed defendant of the right to a hearing where her attorney could question the psychologist, expose any defects or errors in the psychological testing or clinical evaluation, and contest the finding that she was able to understand the proceedings and assist counsel in mounting a defense.

The defendant acknowledged that she understood the right to a hearing in order to challenge the findings and conclusions reached by the evaluating psychologist. The defendant, who was alert and attentive during the Court's questioning, testified that she had signed the stipulation with full knowledge of its terms and indicated that she did not wish to have an opportunity to present evidence disputing the psychological report's methodology or ultimate finding that she was competent to stand trial.

It is THEREFORE RECOMMENDED that the Court adopt the uncontested findings in the forensic report that the defendant is not presently suffering from a mental disease or defect rendering her unable to understand the nature and consequences of the proceedings or assist in her defense, and that defendant be found competent to stand trial pursuant to 18 U.S.C. § 4241.

**SO REPORTED AND RECOMMENDED** this 28<sup>th</sup> day of May, 2015.

  
UNITED STATES MAGISTRATE JUDGE  
SOUTHERN DISTRICT OF GEORGIA